

IFW

PATENT  
SEARCH UNIT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of  
Kershman et al  
Serial No: 09/912,219  
Patent No. 6,858,241  
Filed: July 25, 2001  
For: FARINACEOUS SURFACE PRODUCT THAT IS  
TOASTER REHEATABLE AND METHOD

Examiner: Thuy Tran Lien 2009 MAR -6 PM 4:28

Art Unit: 1761

Attorney Docket: SK-3

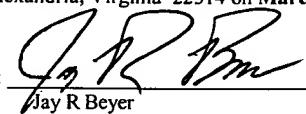
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MAR 11 2009

**OFFICE OF PETITIONS**

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Director of USPTO, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, Virginia 22314 on March 3, 2009.

Signed:



Jay R Beyer

**PETITION TO ACCEPT DELAYED PAYMENT OF MAINTENANCE FEE UNDER 37 C.F.R. §1.378**

Director of USPTO  
Attn: Maintenance Fee  
2051 Jamieson Avenue, Suite 300  
Alexandria, Virginia 22314

Sir:

Applicants submit herewith the following documents in support of this petition:

- 1) PTO form SB-45 (Maintenance Fee Transmittal) in duplicate that was submitted 2/17/09
- 2) Small Entity Assertion submitted 2/17/09,
- 3) Copy of the envelope in which items 1 and 2 were submitted on 2/17/09,
- 4) PTO-2038 Credit card Payment Form, and
- 4) Return Postcard.

As indicated by copies of the enclosed documents, the Small Entity Assertion, Maintenance Fee and Surcharge for Patent Number 6,858,241 were filed on February 17, 2008 which was prior to the due date for the maintenance fee and surcharge. However, as indicated on the copy of the envelope in which the documents were submitted, these documents were accidentally submitted to an old PTO address that is no longer correct and these documents were therefore returned to sender as indicated on the copy of the envelope in which the documents were submitted.

In order to correct this error, Applicants hereby petition under 37 C.F.R. §1.378 and request that the Commissioner accept the maintenance fee payment of \$490 and surcharge fee of \$65 paid by the enclosed credit card payment form 2038 dated February 17, 2009 for Patent Number 6,858,241. Furthermore, Applicants hereby authorize the Commissioner to charge Deposit Account 19-1685 (Order # SK-3) any additional charges due for the submission and acceptance of this petition. A duplicate copy of this paper is being submitted herewith for fee processing purposes.

If any further information is required for this Petition, please contact Jay R Beyer at 303) 499-3859.

Respectfully submitted,



Jay R Beyer

Reg. No. 39,907

03/10/2009 DALLEN 0000015 6858241

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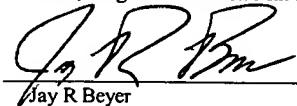
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Jay R Beyer

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## MAINTENANCE FEE TRANSMITTAL FORM

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Signature Jay R Beyer

Typed or printed name Jay R Beyer

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

- A check for the amount of \$ \_\_\_\_\_ for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
- The Director is hereby authorized to charge \$ \_\_\_\_\_ to cover the payment of the fee(s) indicated below to Deposit Account No. \_\_\_\_\_. A duplicative copy of this form is enclosed.
- The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 19-1685. A duplicative copy of this form is enclosed.  
Order # 5K-3
- Payment by credit card. Form PTO-2038 is attached.

\* Information required by 37 CFR 1.366(c) (columns 1 & 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, & 5)

Item Column 1	Patent Number* Column 2	Maintenance Fee Amount (37 CFR 1.20 (e)-(g)) Column 2	Surcharge Amount (37 CFR 1.20(h)) Column 3	U.S. Application Number* [e.g., 06/555,555] Column 4	Payment Year		
					3.5 yrs	7.5 yrs	11.5 yrs
1	<u>6,858,241</u>	<u>490<sup>00</sup></u>	<u>65<sup>00</sup></u>	<u>09/912,219</u>	X		
2							
3							
4							
5							
Subtotals: Columns 2 & 3		<u>490<sup>00</sup></u>	<u>65<sup>00</sup></u>				
Total Payment			<u>555<sup>00</sup></u>		<input type="checkbox"/>	additional sheets attached for listing additional patents.	

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.**

Respectfully submitted, \*\*

Customer's Signature: Jay R Beyer

Customer's Name: Jay R Beyer

Telephone: 303-499-3859

Registration Number, if applicable: 39,907

Fax:

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

**Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).**

**\*\* WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.**

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

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Signature Jay R Beyer

Typed or printed name Jay R Beyer

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Filed: **July 25, 2001** ) Attorney Docket: **SK-3**  
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**TOASTER REHEATABLE AND METHOD** )

SMALL ENTITY ASSERTION

The owner, **SMTM Group, LLC**, of **100** percent interest in the above referenced application, US Patent Number **US 6,858,241 B1**, hereby asserts entitlement to small entity status for the above referenced patent.

If there are any questions regarding this Assertion, please direct calls to Jay R Beyer at 303) 499-3859.

Date: February 17, 2009

  
\_\_\_\_\_  
Jay R Beyer

39,907

Reg. No.



Denver, CO 80252-3700  
WED 18 FEB 2009 AM

From: Pritzka Patent Group, LLC.  
993 Gapier Road  
Boulder, CO 80303-2922

To: **NO LONGER MAILED**  
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United States PTO  
P.O. Box 3716  
Pittsburgh, PA 15236-1611  
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